

**REMARKS**

In this response, no claims are amended, and no new claims are added. Accordingly, after entry of this response, claims 1-26, 28-30, 38-41, and 43-44 will remain pending. Previously, Claims 1-3, 7, 9, 13, 17, 19-20, 22, 28, 30, 38, and 43 were examined. Claims 4-6, 8, 10-12, 14-16, 18, 21, 23-26, 29, 39-41, and 44 have been withdrawn from consideration at this time.

**35 U.S.C. § 103(a)**

In the Final Rejection dated April 1, 2009, the Examiner rejected Claims 1-2, 7, 9, 17, 19-20 and 22 under 35 U.S.C. 103(a) as being unpatentable over Okase (US 6,228,173) in view of Oehrlein (US 5,798,016), Carpenter (US 2003/0159780 A1), Morad (6,276,072) and Strodtbeck (5,885,353).

With respect to Claim 1, the Examiner asserts that:

“Okase discloses a reduced maintenance processing system (Figure 1, 1) for treating a substrate substantially as claimed and comprising: a chemical treatment system/chamber (Fig. 1,4 and 6; shown in more detail in Figure 14) for chemically altering exposed surface layers on the substrate comprising a temperature controlled chemical treatment chamber (chamber 132 is heated using heating room 162); and a thermal treatment system (Fig.1, 8 and 10; shown in more detail in Figure 2) for thermally treating the chemically altered surface layers on the substrate, the thermal treatment system comprising a temperature controlled thermal treatment chamber (chamber 24 is heated using radiating mechanism 90). Okase also teaches the chemical treatment system and the thermal treatment system each further comprise a temperature controlled substrate holder, (Fig. 2 Item 36) and (Fig 14, 142), respectively. Additionally, each of the chemical treatment system and the thermal treatment system further comprise a lift pin assembly, (Fig. 2 , 62) and (Fig 14, multiple part numbers, e.g. 148, 150-151, 156 and 158), respectively.”

The Examiner admits that:

However, Okase fails to disclose either or both of the chemical treatment system/chamber or the thermal treatment system/chamber comprising a protective barrier layer formed on at least a portion of an inner surface thereof.

The Examiner further asserts that:

“Oehrlein teaches providing a film of  $\text{Al}_2\text{O}_3$ ,  $\text{Y}_2\text{O}_3$  or  $\text{Sc}_2\text{O}_3$  on an inner wall surface of a chamber and on exposed surfaces of members within the chamber for the purpose of providing resistance to chemical attack and/or ability to prevent particles which may flake off (for example, see column 5, rows 33-67). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have provided a protective barrier layer of  $\text{Al}_2\text{O}_3$ ,  $\text{Y}_2\text{O}_3$  or  $\text{Sc}_2\text{O}_3$  on at least a portion of an inner surface of either or both of the chemical treatment system/chamber and the thermal treatment system/chamber in Okase in order to provide resistance to chemical attack and the ability to prevent particles from flaking off as taught by Oehrlein.”

The Examiner asserts that Okase and Oehrlein disclose the processing system substantially as claimed and as described above.

The Examiner admits that:

“Okase and Oehrlein fail to explicitly teach a first insulation assembly coupled between the thermal treatment system and the chemical treatment system, the first thermal insulation assembly defining a common opening configured for transferring the substrate between the chemical treatment chamber and the temperature controlled thermal treatment chamber and a second thermal insulation assembly coupled to the thermal treatment system, the second thermal insulation assembly having a transfer opening configured for transferring the substrate therethrough.”

The Examiner asserts that:

“Carpenter teaches the use of temperature isolating structures (Figure 1, 15) comprising a thermally insulative mass of material received between a transfer chamber (12) and chambers (14) attached thereto in a cluster tool for the purpose of more effectively reducing heat transfer between the chambers than would otherwise occur in the absence of said mass of material (abstract). Note: If the temperature isolating structures were provided in the apparatus of Okase at locations around the transfer chamber, a common first thermal insulation assembly could be located at gate valves G1 and/or G2, as claimed, for example to introduce substrates into the cluster tool.”

The Applicants assert that this is speculation and the Examiner is using the Applicants' invention as a blueprint for this speculative combination. Applicants believe that this rejection of Claim 1 is improper and should be withdrawn.

The Examiner further admits that: "Carpenter does not explicitly teach that the temperature isolating structures can be received at locations where the substrate enters and exits the overall system, one of ordinary skill in the art exercising ordinary common sense, creativity and logic would readily envision such a scenario for the purpose providing further thermal control over an entire processing system. A second thermal insulation assembly could be located at either of the gate valves G6 or G7 leading to the thermal treatment systems 8 and 10~ Further, the courts have ruled that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in anyone or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413,208 USPQ 871 (CCPA 1981).

The Applicants believe that the combined teachings of the cited references do NOT teach, suggest, or motivate their invention that includes:

"a first thermal insulation assembly coupled between the thermal treatment system and the chemical treatment system, the first thermal insulation assembly defining a common opening configured for transferring the substrate between the chemical treatment chamber and the temperature controlled thermal treatment chamber, when the at least one substrate is located in the holding plane; and

a second thermal insulation assembly coupled to the thermal treatment system, the second thermal insulation assembly having a transfer opening configured for transferring the substrate therethrough"

The Examiner states:

"It would have been obvious to one of ordinary skill in the time the Applicant's invention was made to have provided a first insulation assembly coupled between the thermal treatment system and the chemical treatment system, the first thermal insulation assembly defining a common opening configured for transferring the substrate between the chemical treatment chamber and the temperature controlled thermal treatment

chamber and a second thermal insulation assembly coupled to the thermal treatment system, the second thermal insulation assembly having a transfer opening configured for transferring the substrate therethrough in Okase and Oehrlein in order to more effectively reduce heat transfer between the chambers than would otherwise occur in the absence of said mass of material as taught by Carpenter.”

The Applicants believe that the Examiner has used their invention as a blueprint for making this combination and the Applicants believe there is no teaching, suggestion, and/or motivation in the cited art for making such a combination.

The Examiner states:

“With respect to the specific materials used during processing in the claimed apparatus, the courts have ruled that expressions relating the apparatus to contents thereof during an intended operation are of no significance in determining patentability of the apparatus claim. *Ex parte Thibault*, 164 USPQ 666,667 (Bd. App. 1969).

With respect to Claim 1, the Examiner further states:

“Okase, Oehrlein and Carpenter disclose the processing system substantially as claimed and as described above.”

The Examiner further admits that: “Okase, Oehrlein and Carpenter fail to disclose the thermal treatment system comprising a lifter assembly (separate from a lift pin assembly).”

In addition, the Examiner further states: “Morad disclose the use of a lifter assembly in a thermal treatment apparatus for the purpose of transferring a substrate between multiple processing positions in a single chamber (abstract). It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided a lifter assembly in the thermal treatment apparatus of Okase, Oehrlein and Carpenter in order to transfer a substrate between multiple processing positions in a single chamber as taught by Morad.

Applicants believe that the Examiner has misused the teachings of Morad. Morad teaches “The transfer mechanism transfers a substrate from a position proximate the heating mechanism to a position proximate the cooling mechanism, and preferably employs only single-axis, linear motion so as to further reduce equipment complexity and cost.” (col 2, lines 14-18) Morad teaches a “single-axis, linear motion” device and does

not teach “a lifter assembly configured to vertically translate at least one substrate” as claimed by the Applicants.

Still referring to Claim 1, the further asserts: “Okase, Oehrlein, Carpenter and Morad disclose the processing system substantially as claimed.

In addition, the Examiner further admits that “Okase, Oehrlein, Carpenter and Morad fail to disclose a substrate detection system.

The Examiner states “Strodtbeck discloses the use of a sensor for the purpose of detecting the presence of a material (substrate) and providing a signal to a computer controller (abstract). It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided a sensor in the system of Okase, Oehrlein, Carpenter and Morad in order to detect the presence of a material (substrate) and provide a signal to a computer controller as taught by Strodtbeck.

Applicants believe that the Examiner has misused the teachings of Strodtbeck. Strodtbeck teaches “Preferably, at least one of the lift pins contains a bore with a sensor positioned to detect the presence of material on the contacting end of the lift pin and provide a signal to the computer controller that can be used to control the negative pressure source and the relative movement of the plate and lift pins.” (col 2, lines 14-18) Strodtbeck teaches “a sensor positioned to detect the presence of material on the contacting end of the lift pin” and does not teach “a substrate detection system configured to determine when the at least one substrate is located in the holding plane” as claimed by the Applicants.

The Applicants believe that this rejection of Claim 1 is improper and should be withdrawn. In addition, the Applicants believe that Claim 1 is allowable over the cited art.

With respect to claim 2, the Examiner asserts:

“in line with the teachings of Oehrlein as described above, it would have been obvious of ordinary skill in the art at the time the Applicant's was made to have provided a protective coating on any part of the first and/or the second thermal insulation assemblies that may come in contact with processing conditions, either purposefully or inadvertently. There is always a chance of inadvertent exposure in a cluster tool.

The Applicants believe the Examiner is again speculating about the operation of a cluster tool, and the Applicants assert that there are not inadvertent exposures in a properly designed cluster tool.

The Applicants believe that Claim 1 is allowable because the rejection of Claim 1 is improper and should be withdrawn. In addition, the Applicants believe that Claim 2 depends from an allowable Claim 1 and is therefore allowable.

With respect to claims 7 and 17, the Examiner states:

“described above is the teaching of the protective barrier on the interior surface of the chemical treatment chamber and the temperature controlled thermal treatment chamber comprises at least one of  $\text{Sc}_2\text{O}_3$ ,  $\text{Sc}_2\text{F}_3$ ,  $\text{YF}_3$ ,  $\text{La}_2\text{O}_3$ ,  $\text{CeO}_2$ ,  $\text{Eu}_2\text{O}_3$ , and  $\text{DyO}_3$ .”

The Applicants believe that Claim 1 is allowable because the rejection of Claim 1 is improper and should be withdrawn. In addition, the Applicants believe that Claims 7 and 17 depend from an allowable Claim 1 and are therefore allowable.

With respect to claims 9 and 19, the Examiner states:

“as described above, Okase teaches the chemical treatment system and the thermal treatment system each further comprise a temperature controlled substrate holder, (Fig. 2 Item 36) and (Fig 14, 142), respectively. The teachings of Oehrlein, described above, provide a teaching of providing a protective barrier coating on an exposed portion thereof, as claimed.”

The Applicants believe that Claim 1 is allowable because the rejection of Claim 1 is improper and should be withdrawn. In addition, the Applicants believe that Claims 9 and 19 depend from an allowable Claim 1 and are therefore allowable.

With respect to Claims 20 and 22, the Examiner states:

“as described above the protective barrier of Oehrlein can be formed on any exposed surface that might need protection. This would include the surface of a gate valve assembly. Also as described above, per Oehrlein, the protective barrier layer would comprise at least one of  $\text{Sc}_2\text{O}_3$ ,  $\text{Sc}_2\text{F}_3$ ,  $\text{YF}_3$ ,  $\text{La}_2\text{O}_3$ ,  $\text{CeO}_2$ ,  $\text{Eu}_2\text{O}_3$ , and  $\text{DyO}_3$ .”

The Applicants believe that Claim 1 is allowable because the rejection of Claim 1 is improper and should be withdrawn. In addition, the Applicants believe that Claims 20 and 22 depend from an allowable Claim 1 and are therefore allowable.

The Examiner has rejected Claims 3, 13, 36, and 37 under 35 U.S.C. 103(a) as being unpatentable over Okase, Oehrlein and Carpenter as applied to claims 1-2, 7, 9, 17, 19-20, and 22 above, and further in view of Carducci (US 2003/0037880 A1).

However, claims 36 and 37 were previously canceled so this rejection is improper.

This rejection Claims 3 and 13 is also improper since the Examiner has admitted that Claim 1 is patentable over Okase, Oehrlein and Carpenter. The Examiner previously admitted that: “Okase, Oehrlein and Carpenter fail to disclose the thermal treatment system comprising a lifter assembly (separate from a lift pin assembly).”

The Applicants believe that Claim 1 is allowable because the rejection of Claim 1 is improper and should be withdrawn. In addition, the Applicants believe that Claims 3 and 13 depend from an allowable Claim 1 and are therefore allowable.

The Examiner asserts:

“Okase, Oehrlein and Carpenter disclose a processing system substantially as claimed and as described above and including a temperature controlled substrate holder mounted within the chemical treatment chamber and the thermal treatment system, each having a protective layer formed on an exposed surface. See above.”

The Examiner states:

“Also disclosed are a vacuum pumping system coupled to the chemical treatment chamber (column 13, row 65 through column 14, row 7) and a gas distribution plate (182) comprising a plurality of gas injection orifices (188). As the gas distribution plate is clearly exposed to processing conditions, it would have been obvious to form a protective barrier layer on its exposed surface, as well as the orifices therein, per the teachings of Oehrlein.”

The Examiner admits using an improper combination:

“However, Okase, Oehrlein and Carpenter fail to explicitly disclose that the gas distribution plate is coupled to a temperature controlled gas distribution system for introducing a process gas into the chemical treatment chamber; and the processing system

further comprises a control system coupled to the chemical treatment system and the thermal treatment system, and configured to control at least one of a chemical treatment chamber temperature, a chemical treatment gas distribution system temperature, a chemical treatment substrate holder temperature, a chemical treatment substrate temperature, a chemical treatment processing pressure, a chemical treatment gas flow rate, a thermal treatment chamber temperature, a thermal treatment substrate holder temperature, a thermal treatment substrate temperature, a thermal treatment processing pressure, and a thermal treatment gas flow rate.

The Examiner states:

“Carducci teaches a gas distribution plate is coupled to a temperature controlled gas distribution system (multiple part numbers, e.g. Figure 1, 102, 103, 105) for introducing a process gas into a chemical treatment chamber (100); and the processing system further comprises a control system (Figure 1, 140, paragraph 68) coupled to the chemical treatment system and the thermal treatment system, and configured to control at least one of a chemical treatment chamber temperature, a chemical treatment gas distribution system temperature, a chemical treatment substrate holder temperature, a chemical treatment substrate temperature, a chemical treatment processing pressure, a chemical treatment gas flow rate, a thermal treatment chamber temperature, a thermal treatment substrate holder temperature, a thermal treatment substrate temperature, a thermal treatment processing pressure, and a thermal treatment gas flow rate in order to facilitate control of the chamber (paragraph 73).

The Examiner asserts:

“At the time of invention, it would have been obvious to a person of ordinary skill in the art to have provided the gas distribution plate coupled to a temperature controlled gas distribution system for introducing a process gas into the chemical treatment chamber; and the processing system further comprises a control system coupled to the chemical treatment system and the thermal treatment system, and configured to control at least one of a chemical treatment chamber temperature, a chemical treatment gas distribution system temperature, a chemical treatment substrate holder temperature, a chemical treatment substrate temperature, a chemical treatment processing pressure, a chemical treatment gas flow rate, a thermal treatment chamber temperature, a thermal

treatment substrate holder temperature, a thermal treatment substrate temperature, a thermal treatment processing pressure, and a thermal treatment gas flow rate in Okase, Oehrlein and Carpenter in order to facilitate control of the chamber as taught by Carducci.”

The Examiner asserts:

“With respect to claims 3, 36 and 37, each of the recitations contained therein in the descriptions and teachings of the above identified prior art.

The Examiner has rejected Claims 38 and 43 under 35 U.S.C. 103(a) as being unpatentable over Okase, Oehrlein Carpenter Morad and Strodtbeck as applied to claims 1-2, 7, 9, 17, 19-20, and 22 above, and further in view of Carducci (US 2003/0037880 A1) and U.S. Patent No. 5,223,113 to Kaneko et al.

The Examiner states:

“Okase, Oehrlein and Carpenter disclose a processing system substantially as claimed and as described above and including a temperature controlled substrate holder mounted within the chemical treatment chamber and the thermal treatment system, each having a protective layer formed on an exposed surface. See above.”

“Also disclosed in Okase are a vacuum pumping system coupled to the chemical treatment chamber (column 5, rows 39-45 and column 13, row 65 through column 14, row 7) and a gas distribution plate (182, also see 72) comprising a plurality of gas injection orifices (188). As the gas distribution plate is clearly exposed to processing conditions, it would have been obvious to form a protective barrier layer on its exposed surface, as well as the orifices therein, per the teachings of Oehrlein. Okase also teaches the chemical treatment system and the thermal treatment system each further comprise a temperature controlled substrate holder, (Fig. 2 Item 36) and (Fig 14, 142), respectively. Additionally, each of the chemical treatment system and the thermal treatment system further comprise a lift pin assembly, (Fig. 2 , 62) and (Fig 14, multiple part numbers, e.g. 148, 150-151, 156 and 158), respectively.”

The Examiner further admits:

“However, Okase, Oehrlein and Carpenter fail to explicitly disclose that the gas distribution plate is coupled to a temperature controlled gas distribution system for

introducing a process gas into the chemical treatment chamber; and the processing system further comprises a control system coupled to the chemical treatment system and the thermal treatment system, and configured to control at least one of a chemical treatment chamber temperature, a chemical treatment gas distribution system temperature, a chemical treatment substrate holder temperature, a chemical treatment substrate temperature, a chemical treatment processing pressure, a chemical treatment gas flow rate, a thermal treatment chamber temperature, a thermal treatment substrate holder temperature, a thermal treatment substrate temperature, a thermal treatment processing pressure, and a thermal treatment gas flow rate.”

The Examiner further states:

“Carducci teaches a gas distribution plate is coupled to a temperature controlled gas distribution system (multiple part numbers, e.g. Figure 1, 102, 103, 105) for introducing a process gas into a chemical treatment chamber (100); and the processing system further comprises a control system (Figure 1, 140, paragraph 68) coupled to the chemical treatment system and the thermal treatment system, and configured to control at least one of a chemical treatment chamber temperature, a chemical treatment gas distribution system temperature, a chemical treatment substrate holder temperature, a chemical treatment substrate temperature, a chemical treatment processing pressure, a chemical treatment gas flow rate, a thermal treatment chamber temperature, a thermal treatment substrate holder temperature, a thermal treatment substrate temperature, a thermal treatment processing pressure, and a thermal treatment gas flow rate in order to facilitate control of the chamber (paragraph 73).”

The Examiner further asserts:

“At the time of invention, it would have been obvious to a person of ordinary skill in the art to have provided the gas distribution plate coupled to a temperature controlled gas distribution system for introducing a process gas into the chemical treatment chamber; and the processing system further comprises a control system coupled to the chemical treatment system and the thermal treatment system, and configured to control at least one of a chemical treatment chamber temperature, a chemical treatment gas distribution system temperature, a chemical treatment substrate holder temperature, a chemical treatment substrate temperature, a chemical treatment processing pressure, a

chemical treatment gas flow rate, a thermal treatment chamber temperature, a thermal treatment substrate holder temperature, a thermal treatment substrate temperature, a thermal treatment processing pressure, and a thermal treatment gas flow rate in Okase, Oehrlein and Carpenter in order to facilitate control of the chamber as taught by Carducci.”

The Examiner states:

“Okase, Oehrlein, Carpenter and Carducci disclose the thermal treatment system substantially as claimed and as described above.”

This rejection Claims 38 and 43 is also improper since the Examiner has admitted that Claim 38 is patentable over Okase, Oehrlein and Carpenter. The Examiner previously admitted that: “Okase, Oehrlein and Carpenter fail to disclose the thermal treatment system comprising a lifter assembly (separate from a lift pin assembly).”as claimed in claim 38.

The Applicants believe that Claim 38 is allowable because the rejection of Claim 38 is improper and should be withdrawn. In addition, the Applicants believe that Claim 43 depends from an allowable Claim 38 and is therefore allowable.

The Examiner admits:

“However, Okase, Oehrlein, Carpenter and Carducci fail to explicitly disclose the temperature controlled substrate holder comprises a temperature control component, an underlying mating component and a thermal insulation gaps is configured to provide additional thermal insulation between the temperature control component and the underlying mating component.”

The Examiner states:

“Kaneko et al. disclose the provision of a temperature controlled substrate holder in Figure 2 which comprises a temperature control component (52-54), an underlying mating component (32) and a thermal insulation gap (56) configured to provide additional thermal insulation between the temperature control component and the underlying mating component for the purpose of independently controlling the temperature of the substrate holder and a substrate provide thereon (column 2, row 49-53, column 4, rows 1-68 and column 5, rows 13-14).

The Examiner asserts:

“It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to have provided a temperature controlled substrate holder comprising a temperature control component, an underlying mating component and a thermal insulation gap configured to provide additional thermal insulation between the temperature control component and the underlying mating component in Okase, Oehrlein, Carpenter and Carducci in order to independently control the temperature of the substrate holder and a substrate provide thereon as taught by Kaneko et al.

The Examiner has rejected Claims 28 and 30 under 35 U.S.C. 103(a) as being unpatentable Okase, Oehrlein and Carpenter as applied to claims 1-2, 7, 9, 17, 19-20, 22 and 27 above, and further in view of Perlov (US 2002/0170672 A1).

This rejection Claims 28 and 30 is also improper since the Examiner has admitted that Claim 1 is patentable over Okase, Oehrlein and Carpenter. The Examiner previously admitted that: “Okase, Oehrlein and Carpenter fail to disclose the thermal treatment system comprising a lifter assembly (separate from a lift pin assembly).”

The Applicants believe that Claim 1 is allowable because the rejection of Claim 1 is improper and should be withdrawn. In addition, the Applicants believe that Claims 28 and 30 depend from an allowable Claim 1 and are therefore allowable.

The Examiner states:

“Okase, Oehrlein and Carpenter disclose a processing system substantially as claimed and as described above.”

The Examiner states:

“However, Okase, Oehrlein and Carpenter do not expressly state the substrate lifter assembly comprises a blade having three or more tabs for receiving the substrate and having a protective barrier formed on at least a portion of an exposed surface, and a drive system for vertically translating the substrate between the substrate holder and a transfer plane.

The Examiner states:

“Perlov teaches the substrate lifter assembly comprises a blade having three or more tabs (Fig. 1 Items 25a-c) for receiving the substrate and having a protective barrier formed on at least a portion of an exposed surface (Paragraph 27 Lines 1-4), and a

formed on at least a portion of an exposed surface (Paragraph 27 Lines 1-4), and a formed on at least a portion of an exposed surface (Paragraph 27 Lines 1-4), and a drive system for vertically translating the substrate between the substrate holder and a transfer plane (Fig 2 Item 24).

The Examiner asserts:

“At the time of invention, it would have been obvious to a person of ordinary skill in the art to form the apparatus disclosed in Okase, Oehrlein and Carpenter including the substrate lifter assembly comprises a blade having three or more tabs for receiving the substrate and having a protective barrier formed on at least a portion of an exposed surface, and a drive system for vertically translating the substrate between the substrate holder and a transfer plane in view of the teaching of Perlov. The suggestion or motivation for doing so would have been to provide a lift that does not produce particles or scratch a substrate during contact (Paragraph 27 Lines 1-5).”

With respect to claim 30, the Examiner states:

“it is also noted that Perlov teaches a processing system, wherein a protective barrier is formed on exposed surfaces (Paragraph 27 Lines 1-5). It would have also been obvious to one of ordinary skill in the art to utilize the teachings of Oehrlein, which state that it is beneficial to provide protective barrier layers comprising the claimed materials on exposed surfaces of parts, such as the blade.”

In addition, the Applicants respectfully submit that the rejections of Claims 1-3, 7, 9, 13, 17, 19-20, 22, 27-28, 30-31, 36-38, and 43 are improper and should be withdrawn because the Applicants believe that the Examiner’s obviousness (103a) rejections are NOT based on the Applicants’ invention as “a whole” as required by law. In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983).

The Applicants respectfully submit that the rejections of Claims 1-3, 7, 9, 13, 17, 19-20, 22, 27-28, and 30 are improper and should be withdrawn because Claims 2-3, 7, 9, 13, 17, 19-20, 22, 27-28, and 30 depend from Claim 1, and the Applicants believe that the Examiner's rejection of Claim 1 is improper because the rejection of Claim 1 is based on one or more incorrect factual findings documented herein.

The Applicants respectfully submit that the rejections of Claims 1-3, 7, 9, 13, 17, 19-20, 22, 27-28, 30-31, 36-38, and 43 are improper and should be withdrawn because the Applicants believe that the Examiner's obviousness (103a) rejections are based on improper hindsight reasoning and are improper because the Examiner is using "knowledge gleaned only from applicant's disclosure" to make the rejections. *In re McLaughlin*, 443 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971).

The Applicants respectfully submit that the rejections of Claims 1-3, 7, 9, 13, 17, 19-20, 22, 27-28, 30-31, 36-38, and 43 are improper and should be withdrawn because the Applicants believe that the Examiner's obviousness (103a) rejections are based on improper hindsight reasoning and are improper because the Examiner is using the Applicants' invention as a template to select prior art references to render the Applicants' invention obvious. The Examiner cannot "use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention" *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780, 1784 (Fed. Cir. 1992).

Each of the Examiner's rejections having been addressed, the Applicants respectfully submit that Claims 1-3, 7, 9, 13, 17, 19-20, 22, 28, 30, 38, and 43 are now in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw the obvious rejections of the claims and pass this application quickly to issuance.

If the undersigned agent has overlooked a teaching in any of the cited references that is relevant to the Allowability of the claims, the Examiner is requested to specifically point out where such teaching may be found. Further, if there are any informalities or

questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned agent at 480-539-2105 or by email at [jim.klekotka@us.tel.com](mailto:jim.klekotka@us.tel.com).

*Charge Deposit Account*

Please charge our Deposit Account No. 50-3451 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

/James Klekotka/

Date: 06/30/2009

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